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March 18, 2021

**HONORABLE KATHARINE S. HAYDEN**

United States District Court  
Frank R. Lautenberg U.S. P.O. & Cthse. Bldg.  
2 Federal Sq.  
Newark, NJ 07102

Re: Vicki Dembiec, et al. v. Scotch Plains-Fanwood  
Regional School District, et al.  
Civil Action No. 20-cv-20188

Dear Judge Hayden:

We are in receipt of Mr. Schmutter's letter of earlier today.  
Our position is as follows.

Naturally, we will obey any directive from the Court to appear for any conference that may be ordered, but for the following reason, and with no disrespect to the Court intended, we do not believe the conference plaintiffs are requesting would be productive.

As we have argued in our papers filed with the Court, the Scotch Plains-Fanwood School District is intent on returning to in-person schooling as quickly as it feels safe to do so. Through public School Board meetings and other avenues, members of the school community including these plaintiffs, are afforded the opportunity to present to the Board and the Administration whatever thoughts they have on better ways to accomplish this and have done so. These five plaintiffs apparently dissatisfied that the district has not done things precisely their way, are seeking a Court-ordered private audience to override this prescribed process before the Court has addressed our jurisdictional and other threshold legal arguments that this case does not even belong in this Court. Their request also presumes that they are authorized to speak for, and make agreements on behalf of, a diverse school community which has a wide range of views on these matters.

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If plaintiffs and their counsel have proposals to make, they are free to submit them to us, but we adhere to our position that these decisions are properly made by local education officials accountable to the community, in consultation with experts they deem reliable.

Respectfully,

*David B. Rubin*

DAVID B. RUBIN

DBR:lg

cc: Daniel L. Schmutter, Esq.  
James G. Mermigis, Esq